



# Ohio Legislative Service Commission

## Final Analysis

Daniel M. DeSantis

### Am. Sub. H.B. 488 130th General Assembly (As Passed by the General Assembly)

- Reps.** Dovilla and Landis, Johnson, Pillich, Barborak, Bishoff, Milkovich, Perales, Retherford, Rosenberger, R. Adams, Amstutz, Anielski, Antonio, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyce, Brown, Buchy, Budish, Burkley, Butler, Carney, Celebrezze, Cera, Clyde, Curtin, Damschroder, Derickson, DeVitis, Duffey, Fedor, Foley, Gerberry, Green, Grossman, Hackett, C. Hagan, R. Hagan, Hall, Hayes, Henne, Huffman, Letson, Lundy, Lynch, Maag, McClain, McGregor, O'Brien, Patmon, Patterson, Pelanda, Ramos, Redfern, Rogers, Romanchuk, Ruhl, Scherer, Schuring, Sears, Sheehy, Smith, Sprague, Stautberg, Stebelton, Stinziano, Strahorn, Terhar, Wachtmann, Winburn, Batchelder
- Sens.** Tavares, Brown, LaRose, Schaffer, Uecker, Balderson, Beagle, Burke, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Kearney, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Turner, Widener

**Effective date:** September 16, 2014

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## **Veterans' access to higher education**

- Requires the Chancellor of the Ohio Board of Regents, not later than December 31, 2014, to make specified efforts with regard to awarding college credit for military experience.
- Requires all state institutions of higher education to comply with the Chancellor's standards for awarding college credit for military experience not later than July 1, 2015.
- Prohibits a state institution of higher education, on or after December 31, 2014, from charging a fee to a student who is a veteran or service member for the evaluation of, transcription of, or application for college credit for military experience.
- Requires each state institution of higher education, not later than December 31, 2014, to establish an appeals procedure for resolving disputes regarding the awarding of college credit for military experience.
- Requires each state institution of higher education, not later than December 31, 2014, to designate at least one person to serve as the contact person for veterans and service member affairs and to make other specified efforts regarding the support and assistance the institution will provide to veterans and service members.
- Requires the Chancellor to provide guidance to state institutions on designating a veterans affairs contact person and adopting a veteran support policy.
- Requires the Chancellor to prepare a report describing the progress made toward implementation of the act by the Chancellor and by state institutions of higher education, and, within six months, to deliver the report to the General Assembly.
- Authorizes the Chancellor to defer or forgive all or a portion of the principal and interest on a loan made under the Nurse Education Assistance Program for certain individuals on active duty.



- Requires all state institutions of higher education, not later than December 31, 2014, to provide priority course registration for students who are veterans or service members.

### **College credit for military experience**

(R.C. 3333.164, 3345.423, and 3345.424)

The act requires the Chancellor of the Ohio Board of Regents, not later than December 31, 2014, to do all of the following with regard to the awarding of college credit for military training, experience, and coursework:

(1) Develop a set of standards and procedures for state institutions of higher education to utilize in granting the credit;

(2) Create a military articulation and transfer assurance guide for the credit using the current articulation and transfer policy<sup>1</sup> as a model;

(3) Create a website that contains information related to the awarding of the credit. The act requires that the website include both standardized resources that address frequently asked questions regarding the awarding of college credit for military training, experience, and course work and related issues and a statewide database that shows how specified military training, experience, and coursework translates into college credit.

(4) Develop a statewide training program that prepares faculty and staff of state institutions of higher education to evaluate various military training, experience, and coursework and to award appropriate equivalent credit. The training program must incorporate the best practices of awarding credit for military experiences, including both the recommendations of the American Council on Education and the standards developed by the Council for Adult and Experiential Learning.<sup>2</sup>

The act also requires state institutions of higher education, beginning July 1, 2015, to ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the Chancellor.<sup>3</sup>

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<sup>1</sup> R.C. 3333.16, not in the act.

<sup>2</sup> R.C. 3333.164(B)(1) to (4).

<sup>3</sup> R.C. 3333.164(C).



In a separate provision, effective on or after December 31, 2014, the act prohibits state institutions of higher education from charging a student who is a veteran or a service member any fee for the evaluation of, transcription of, or application for college credit for military experience.<sup>4</sup>

Finally, in another separate provision, the act requires the board of trustees of each state institution of higher education, not later than December 31, 2014, to establish an appeals procedure for students who are veterans or service members for resolving disputes regarding the awarding of college credit for military experience.<sup>5</sup>

### **Assistance and support to veterans and service members by state institutions of higher education**

(R.C. 3345.421)

The act requires the board of trustees of each state institution of higher education, not later than December 31, 2014, to do all of the following:

(1) Designate at least one person employed by the institution to serve as the contact person for veteran and service member affairs. The person or persons designated may not be a person currently designated by the institution as a veterans administration certifying official. The contact person or persons must assist and advise veterans on issues related to earning college credit for military training, experience, and coursework.

(2) Adopt a policy regarding the support and assistance that the institution will provide to veterans and service members.

(3) Allow for the establishment of a student-led group on campus for student service members and veterans, and encourage other service member- and veteran-friendly organizations.

(4) Integrate existing career services to create and encourage meaningful collaborative relationships between student service members and veterans and alumni of the institution, that links student service members and veterans with prospective employers, that provides student service members and veterans with social

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<sup>4</sup> For purposes of this provision and the registration priority provision, the act defines a "service member" as a person who is serving in the armed forces of the United States, and a "veteran" as a person who has completed service in the armed forces, including the National Guard of any state or a reserve component of the armed forces, and who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service. (R.C. 3345.42.)

<sup>5</sup> R.C. 3345.423.



opportunities, and, if the institution has career services programs, encourage the responsible office to seek and promote partnership opportunities for internships and employment of student service members and veterans with state, local, national, and international employers.

(5) Survey student service members and veterans to identify their needs and challenges, make the survey available to faculty and staff at the state institution of higher education, and periodically conduct follow-up surveys, at a frequency determined by the board, to gauge the institution's progress toward meeting identified needs and challenges.

### **Chancellor of the Ohio Board of Regents**

The act requires the Chancellor of the Ohio Board of Regents to provide guidance to state institutions in complying with this phase of the act, including the recommendation of standardized policies on support and assistance to veterans and service members.<sup>6</sup>

The act also requires the Chancellor to prepare a report describing the progress made toward implementation of the act by the Chancellor and by state institutions of higher education. The report must include recommendations and ideas on how to integrate service members and veterans into the campus environment and how to promote academic achievement among service members and veterans in order to better prepare service members and veterans to enter the workforce. The Chancellor, must deliver the report to the General Assembly.<sup>7</sup>

### **Nurse Education Assistance Program**

The act authorizes the Chancellor to defer or forgive all or a portion of the principal and interest on a loan made under the Nurse Education Assistance Program,<sup>8</sup> and requires the Chancellor to adopt rules under the Administrative Procedure Act to establish conditions under which an individual who is deployed on active duty<sup>9</sup> outside of the state or who is the spouse of a person deployed on active duty outside of the state may receive a loan deferral or forgiveness.

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<sup>6</sup> R.C. 3345.421.

<sup>7</sup> Section 6 of the act.

<sup>8</sup> R.C. 3333.28(D)(8) and (F).

<sup>9</sup> For purposes of this provision, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. (R.C. 3333.28(H).)



## **Priority in course registration for veterans and service members**

(R.C. 3345.422)

The act requires each state institution of higher education, not later than December 31, 2014, to provide a student who is either a veteran or service member priority for registering for courses at the institution.<sup>10</sup>

### **Veterans' rights/veterans' law**

- Defines terms – "armed forces," "member," "veteran," "merchant marine," "license," "licensing agency," "licensee," and "military program of training" – that are used in the laws providing veterans' rights.
- Requires each licensing agency to develop processes leading to the prioritizing and expediting of certification or licensing for each applicant who is a service member or veteran, and requires the processes to include special accommodations for applicants facing imminent deployment.
- Requires a licensing agency to apply for approval to the state approving agency at the Ohio Department of Veterans Services so that veterans and other eligible persons will be able to receive education benefits, including compensation for the cost of licensing examinations, through the U.S. Department of Veterans Affairs.
- Assigns additional duties to the Director of Veterans Services to assist veterans in obtaining education, jobs, and occupational and professional licenses.
- Defines "armed forces of the United States" in the laws pertaining to veterans' homes and in the laws providing for the licensing of physicians and limited medical practitioners.

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<sup>10</sup> R.C. 3345.422.



## Definitions pertaining to veterans' rights

(R.C. 5903.01 and 5903.03(A); 4743.04(A) and (D), 5903.10(A), 5903.11(E)(6), (7), and (12), 5903.12(A)(2) to (4), and 5903.121 (conforming amendments))

The act defines the following terms as they apply in the statutes pertaining to veterans' rights:

"Armed forces" means the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, Coast Guard, or any reserve components of those forces; the national guard of any state; the Commissioned Corps of the United States Public Health Service; the Merchant Marine service during wartime; other services as may be designated by Congress; or the Ohio Organized Militia when engaged in full-time National Guard duty for a period of more than 30 days.

"License" means a license, certificate, permit, or other authorization issued or conferred by a licensing agency under which a licensee may engage in a profession, occupation, or occupational activity.

"Licensee" means a person who has been issued a license by a licensing agency, who has been a member of the armed forces, and who served on active duty, whether inside or outside the United States, for a period in excess of 31 days.

"Licensing agency" means any state department, division, board, commission, agency, or other state governmental unit authorized by the Revised Code to issue a license.

"Service Member" means any person who is serving in the armed forces.

"Merchant Marine" includes the United States Army Transport Service and the United States Naval Transport Service.<sup>11</sup>

"Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces,

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<sup>11</sup> This definition, cast in inclusive form, together with that of "armed forces," presumably intends for the Army and Navy transport services to be considered part of the U.S. merchant marine, at least in wartime. The U.S. merchant marine is the fleet of civilian-owned merchant vessels, operated by public or private persons, that engages in commerce or in the transportation of goods and services in and out of the navigable waters of the U.S. In wartime, the merchant marine can function as an auxiliary to the Navy, and can be called upon to deliver troops and supplies for the military. (A famous example of this was the Atlantic convoys during World War II.) The merchant marine traditionally does not have a role in combat, but can do whatever is necessary to protect its cargo.



who has been discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

For purposes of the law requiring licensing agencies to consider military education and experience in determining whether to grant a license, the act also defines a "military program of training" as a training program of the armed forces.<sup>12</sup>

For purposes of the law regarding veterans' rights related to licensing, the act expands the meaning of "armed forces" to include elements of the armed forces licensing agencies might not consider under current eligibility standards.

### **Veterans' right to priority with regard to license applications**

(R.C. 5903.04; Section 4)

The act requires each licensing agency to adopt rules under the Administrative Procedure Act to establish and implement (1) a process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran of the armed forces, or the spouse or surviving spouse of a service member or veteran, (2) a process to record, track, and monitor these applicants, and (3) a process to prioritize or expedite certification or licensing for these applicants. In establishing these processes, the licensing agency must include any special accommodations that may be appropriate for applicants facing imminent deployment. The initial rules must be adopted not later than December 31, 2014.

### **Veterans' educational benefits**

(R.C. 5903.05; Section 5)

The act requires a licensing agency to apply for approval to the state approving agency at the Ohio Department of Veterans Services; this approval is to enable a veteran or eligible person<sup>13</sup> to receive education benefits through the United States Department

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<sup>12</sup> R.C. 5903.03.

<sup>13</sup> An "eligible person" is (1) a child of a person who died of a service-connected disability, who has a total permanent disability resulting from a service-connected disability, or who died while such a disability was in existence, (2) the surviving spouse of any person who died of a service-connected disability, (3) the spouse or child of any member of the armed forces serving on active duty who has been listed as missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power, (4) the spouse of any person who has a total permanent disability resulting from a service-connected disability or the surviving spouse of a veteran who died while such a disability was in existence, or (5) the spouse or child of a member of the armed forces who is hospitalized or receiving outpatient medical care, services, or treatment, who has a total permanent disability incurred or

of Veterans Affairs.<sup>14</sup> The act requires each licensing agency to submit initial applications for approval not later than December 31, 2014. Licensure tests, which presumably are of particular interest to licensing agencies and applicants, are deemed to have been approved as an educational benefit under federal law if they are offered by "state government."<sup>15</sup>

### **Additional duties assigned to Director of Veterans Services**

(R.C. 5902.02(BB), (CC), (DD), and (EE); Section 3)

The act assigns the following additional duties to the Director of Veterans Services: (1) to develop and maintain a website that is accessible by veterans and their dependents and that provides a link to the website of each state agency that issues a license, certificate, or other authorization permitting an individual to engage in an occupation or occupational activity, (2) to encourage state agencies to perform outreach efforts through which veterans and their dependents can learn about available job and education benefits, (3) to inform state agencies about changes in statutes or rules that affect veterans and their dependents, and (4) to assist licensing agencies in adopting rules for determining which military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for a license issued by the agency.<sup>16</sup> The Director of Veterans Services must implement these additional duties not later than December 31, 2014.

### **Additional definitions**

(R.C. 4731.36(A)(1) and (A) (last paragraph), 5907.01(A)(1), and 5907.04)

In the law pertaining to veterans' homes, and in the law pertaining to the licensing of physicians and limited medical practitioners, the act defines "armed forces of the United States" to mean the Army, Air Force, Navy, Marine Corps, Coast Guard,

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aggravated in line of duty, and who is likely to be discharged or released from active duty for the disability. 38 U.S.C. 3501(a)(1).

<sup>14</sup> 38 U.S.C. 3672(a).

<sup>15</sup> 38 U.S.C. 3672(a)(2)(B).

<sup>16</sup> Under continuing law, R.C. 5903.03(B), a licensing agency must consider a license applicant (1) to have met the educational requirement for the license if the applicant has completed a military program of training and has been awarded a military primary specialty at a level that is substantially equivalent to or exceeds the educational requirement for the license and (2) to have met the experience requirement for the license if the applicant has served in that military primary specialty under honorable conditions for a period of time that is substantially equivalent to or exceeds the experience requirement for the license. A licensing agency must adopt rules for making these findings under R.C. 5903.03(C).

and any other military service branch that is designated by Congress as part of the U.S. armed forces.

### **Private employers veterans preference**

(R.C. 5903.15)

The act authorizes an employer<sup>17</sup> to adopt a policy to provide a preference for employment decisions, including hiring, promotion, or retention during a reduction in force, to a service member, veteran, or the spouse or surviving spouse of a service member or veteran. And the act specifies that such a policy is not a violation of state or local equal employment opportunity law, and does not constitute an unlawful discriminatory practice.

The act also requires the Department of Job and Family Services to maintain a registry of employers that have a voluntary veterans preference employment policy. The registry must be made available to the public on the Department's website. Employers who elect to adopt such a policy may notify the Department.

The act requires the Department of Veterans Services to provide a link to the registry on the Department's website.

### **Identity fraud and theft**

- Expressly provides for a civil cause of action based on most types of criminal identity fraud and for injunctive relief in such a case.
- Requires that a civil action based on most types of identity fraud be brought within five years from the date on which the identity of the offender was discovered or reasonably should have been discovered.
- Provides that in a civil action based on most types of identity fraud, the plaintiff may recover damages up to \$5,000 for each violation or three times the amount of actual damages, whichever is greater, and reasonable attorney's fees.

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<sup>17</sup> "Employer" means any person who has one or more employees, and includes an agent of an employer. "Employer" does not include the state or any agency, and any municipal corporation, county, township, school district, or other political subdivision or any agency or instrumentality thereof.



- Raises the level of the offenses of identity fraud, theft, and securing writings by deception one degree if the victim is an active duty member of the armed forces or the spouse of an active duty member.
- Requires the consolidation of criminal theft or identity fraud cases involving a victim who is an active duty service member or spouse of an active duty service member when the offender commits the offense in the offender's same employment, capacity, or relationship to another.
- Permits the consolidation of criminal theft or identity fraud cases involving a victim who is an active duty service member or spouse of an active duty service member pursuant to a scheme or course of conduct.
- Modifies the dollar-value categories on which findings made by the trier of fact must be based in certain theft, identity fraud, and other criminal cases.

## **Tort action for identity fraud**

### **Cause of action**

(R.C. 2913.49(J))

The act expressly grants a civil cause of action to the owner of the identifying information involved in a crime of identity fraud who is injured in person or property by the commission of the offense. Continuing law creates a general cause of action for injury to person or property by a criminal act, but does not include a cause of action expressly for identity fraud.<sup>18</sup>

The act also authorizes a person who is entitled to bring a tort action for identity fraud to bring a civil action to enjoin or restrain future acts that constitute identity fraud in which (1) a person uses, obtains, or possesses any personal identifying information of another person, without the other person's express or implied consent, with intent to hold the person out as being the other person or to represent the other person's personal identifying information as the person's own personal identifying information, (2) a person, with intent to defraud, permits another person to use the offender's own personal identifying information, or (3) a person who is permitted to use another person's personal identifying information, uses, obtains, or possesses the other person's personal identifying information with intent to defraud any person by doing an act described in clause (1) above.

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<sup>18</sup> R.C. 2307.60, not in the act.



## **Statute of limitations**

(R.C. 2305.112)

The act extends the period within which a civil action may be brought for an injury to person or property resulting from commission from most types of identity fraud. A civil action based on a criminal action is a tort action. Continuing law implies that a tort action for identity fraud must be brought within five years after the cause of action accrues. Usually a tort action accrues when the wrongful act occurs. The act specifies, in the cases described under "**Tort action for identity fraud**," that a tort action for identity fraud accrues when the identity of the offender is discovered or reasonably should have been discovered.

## **Damages**

(R.C. 2307.611)

In an action for identity fraud in the cases described under "**Tort action for identity fraud**," the act specifies that the plaintiff may recover damages up to \$5,000 for each violation or three times the amount of actual damages, whichever is greater, and reasonable attorney's fees. Usually, the plaintiff in a tort action may seek compensatory (or actual) damages, and in some cases also may recover punitive damages.

## **Criminal offenses**

### **Definition**

(R.C. 2913.01(NN))

For purposes of its criminal provisions, the act defines "active duty service member" to mean any member of the United States armed forces who is performing active duty under federal law.

### **Identity fraud**

(R.C. 2913.49)

Identity fraud is a fifth degree felony. The level of the offense increases, however, as the value of the property involved increases. It becomes a fourth degree felony if the value is \$1,000 or more but less than \$7,500, a third degree felony if the value is \$7,500 or more but less than \$150,000, and a second degree felony if the value is \$150,000 or more. Under the act, when the victim of identity fraud is an active duty service member or an active duty service member's spouse, the level of the offense is increased to the next higher degree. For example, if an active duty service member is the victim of an



identity fraud offense involving property having a value of \$8,000, identity fraud would be increased to a second degree felony.

## **Theft**

(R.C. 2913.02)

Theft is a first degree misdemeanor. Under the act, the level of the offense increases, however, if the victim is an active duty service member or an active duty service member's spouse. Generally, in that case, theft is a fifth degree felony. But it increases to a higher degree as the value of the property involved in the offense increases. It becomes a fourth degree felony if the value is \$1,000 or more but less than \$7,500, a third degree felony if the value is \$7,500 or more but less than \$37,500, a second degree felony if the value is \$37,500 or more but less than \$150,000 or more, and a first degree felony if the value is \$150,000 or more.<sup>19</sup> For example, if an active duty service member is the victim of a theft offense involving property having a value of \$47,000, theft would be increased to a second degree felony.

## **Securing writings by deception**

(R.C. 2913.43)

Securing writings by deception occurs when a person, by deception, causes another to execute any writing that disposes of or encumbers property or by which a pecuniary obligation is incurred. The offense usually is a first degree misdemeanor. Under the act, the level of the offense increases, however, if the victim is an active duty service member or an active duty service member's spouse. Generally, in that case, securing writings by deception is a fifth degree felony. But it increases to a higher degree as the value of the property involved in the offense increases. It becomes a fourth degree felony if the value is \$1,000 or more but less than \$7,500, a third degree felony if the value is \$7,500 or more but less than \$37,500, and a second degree felony if the value is \$37,500 or more. For example, if an active duty service member is the victim of a securing writings by deception offense involving property having a value of \$12,000, securing writings by deception would be increased to a third degree felony.

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<sup>19</sup> In determining these values, the jury or court is not required to find exact values. (R.C. 2913.61(A).) It is sufficient if finding is within specified ranges of value. The act revises these ranges. In particular, the act (1) divides a range of \$1,000 or more and less than \$7,500 into one range of \$1,000 or more and the other range of \$1,000 or more and less than \$7,500, (2) revises a range of \$1,000 or more and less than \$7,500 to a range of \$1,500 or more and less than \$7,500, (3) removes a duplicate \$7,500 or more and less than \$37,500 range, and (4) revises a range of \$37,500 or more and less than \$150,000 to a range of \$37,500 or more. (The next range is \$150,000 or more.)

## **Consolidation of theft and identity fraud cases**

(R.C. 2913.61(C)(1) and (2))

Under the act, offenses are to be tried as a single offense if the victim is an active duty service member or an active duty service member's spouse and there is a series of theft offenses or if there is a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violating the theft or identity fraud statutes committed in the offender's same employment, capacity, or relationship to another.

The act also provides that offenses may be tried as a single offense if at least one of the victims is an active duty service member or an active duty service member's spouse and the offender is alleged to have committed a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of the theft or identity fraud statute pursuant to a scheme or course of conduct.

## **State university use of electronic records and electronic signatures**

(R.C. 1306.20(I) and (J))

- Exempts state universities and the Northeast Ohio Medical University from a provision of current law that requires state agencies that use or permit the use of electronic records or electronic signatures, to do so in accordance with rules adopted by the Department of Administrative Services.
- Requires these universities instead to adopt their own rules regarding such use.

## **Rule adoption for use of electronic records and electronic signatures**

The act exempts state universities and the Northeast Ohio Medical University from a requirement that state agencies that use or permit the use of electronic records or electronic signatures do so in accordance with rules adopted by the Department of Administrative Services. Instead, the act requires these universities, not later than March 16, 2015, to adopt rules to provide for the use of or permission to use electronic records or electronic signatures. A university that is not using or permitting the use of electronic records or electronic signatures on September 16, 2014, must adopt these rules when it begins using or permitting the use of electronic records or electronic signatures.<sup>20</sup>

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<sup>20</sup> R.C. 1306.20.



## **Board of Pharmacy licensing fees**

- Waives the fees associated with the issuance and renewal of a license to practice pharmacy for veterans and active members of the armed forces.

### **Waiver of licensing fees for veterans and active members of the armed forces**

(R.C. 4729.15)

The act waives the fees associated with the issuance and renewal of a license to practice pharmacy for veterans and active members of the United States armed forces. These include fees for application, examination, licensure, renewal, reciprocal licensure, issuing a replacement license or identification card, and certifying grades and licensure for reciprocal licensure, as well as licensure, renewal, and replacement fees for pharmacy interns. For a veteran to receive the fee waiver, the veteran must present a DD-214 form or an equivalent document issued by the Department of Defense that indicates that the veteran has been honorably discharged from the armed forces. The act authorizes the State Board of Pharmacy to establish limits with respect to individuals to whom the fee waiver applies.

## **State Teachers Retirement System**

- Clarifies membership in the State Teachers Retirement System (STRS) for certain individuals performing state-funded auxiliary services for nonpublic school students.

### **STRS membership – performance of auxiliary services**

(R.C. 3307.01)

The act clarifies membership in the State Teachers Retirement System (STRS) for certain individuals performing state-funded auxiliary services for nonpublic school students.

Continuing law provides that any person who is included in the definition of "teacher" under the law governing STRS is an STRS member. In all cases of doubt, the STRS Board determines who is a teacher. Its decision is final.



Sub. S.B. 342 of the 129th General Assembly (S.B. 342) included in the definition of "teacher" (and in STRS membership) any individual holding a teaching license who was performing state-funded auxiliary services for nonpublic school students, regardless of whether the individual was employed directly by a public school district or under a contract with a third party. According to Ann Erkman, STRS Assistant Director, Government Relations, prior to the enactment of S.B. 342, STRS had included these individuals in STRS membership. However, they were not specifically listed in the definition of "teacher."

Am. Sub. H.B. 483 of the 130th General Assembly (H.B. 483), which was enacted on the same day as this act, excludes these individuals from the definition of "teacher" and from STRS membership. According to Ms. Erkman among those affected are individuals such as speech and hearing specialists, school nurses, reading specialists, and guidance counselors who work in nonpublic schools but are paid for with state funds.

H.B. 483 also included a provision explicitly stating that "teacher" does not include the individuals discussed above, thereby preventing STRS from considering them "teachers" and including them in STRS membership. The act eliminates this provision, thus returning the definition of "teacher" to the definition in effect prior to the enactment of S.B. 342.

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## HISTORY

ACTION	DATE
Introduced	03-18-14
Reported, H. Military & Veterans Affairs	04-09-14
Passed House (92-0)	04-09-14
Reported, S. Public Safety, Local Government & Veterans Affairs	05-29-14
Passed Senate (32-0)	06-04-14
House concurred in Senate amendments (95-0)	06-04-14

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